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Docket No. C14-161741M/ISI
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REMARKS

Claims 1-7 and 10-20 are all of the claims presently pending in the application.

Applicants have amended claims 1-3, and 14 to define the claimed invention more particularly.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-7 and 10-20 stand rejected under 35 U.S.C. 112, first paragraph. Claims 1, 3, 5, 7, and 10-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Yasuhara (U.S. Publication No. 2003/0053638). Claims 2, 4, and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yasuhara in view of Applicant's Admitted Prior Art.

Applicants respectfully traverse these rejections in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention (e.g., as defined in claim 1) is directed to an acoustic device.

The acoustic device includes a plurality of sound sources, a first output unit for outputting sound based on sound signals from the sound sources, a first operation unit which is capable of turning on a power supply to the acoustic device, a second output unit for outputting sound based on sound signals from the sound sources, a second operation unit which is capable of turning on the power supply to the acoustic device; a mode setting unit setting either one of a first mode, in which the sound based on the sound signals from one of

the sound sources are output from the first output unit, and a second mode, in which while the sound based on the sound signals from one of the sound sources are being output from the first output unit, the sound based on the sound signals from another sound source are output from the second output unit, and a control unit for controlling the mode setting unit to set the first mode or the second mode when the power supply to the acoustic device is turned on by the first operation unit, and controlling the mode setting unit to set the second mode and controlling the first output unit to be in a muted state when the power supply to the acoustic device is turned on by the second operation unit.

Accordingly, in the claimed invention, when the remote operation unit is arranged in the rear of the vehicle, the power source can be turned ON in the dual mode without burdening the operations of the front passenger. (See Application at page 5, lines 1-7). In addition, when the rear passenger turns ON the power source in the dual mode, it is possible to prevent the situation, in which the front passenger might otherwise be threatened by a sudden speaker output, reliably. (See Application at page 11, lines 16-24).

II. THE INDEFINITESS REJECTION

The Examiner has rejected claim 2 under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner alleges that the phrase “the remote operation unit” lacks antecedent basis.

Applicants have amended claim 2 to provide proper antecedent basis for each feature in the claimed invention.

III. THE WRITTEN DESCRIPTION REQUIREMENT

The Examiner has rejected claims 1-7 and 10-20 as allegedly failing to comply with the written description requirement. Specifically, the Examiner alleges that the phrases “first switch” and “second switch” are not supported by the original specification.

Applicants have amended the claims to remove the terms “first switch” and “second switch.”

Applicants note that the feature of the first and second operation units are capable of turning on the power supply to the acoustic device is supported by page 25, lines 13-24 of the specification.

Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

IV. THE PRIOR ART REFERENCES

A. The Yasuhara Reference

The Examiner alleges that Yasuhara teaches the claimed invention of claims 1, 3, 5, 7, and 10-20. Applicants submit, however, that Yasuhara does not teach or suggest each feature of the claimed invention.

That is, Yasuhara does not teach or suggest *“the control unit for controlling the mode setting unit to set the second mode and controlling the first output unit to be in a muted state when the power supply to the acoustic device is turned on by the second operation unit.”*

Specifically, in Yasuhara, the entertainment system 1 can be turned on by power switch 21 of the head unit 2 or turned on when a DVD is inserted into the DVD player (external unit 4) ([0057 and [0058]). It is noted that the rear power switch 22 can not turn on

the entertainment system 1 ([0048] and [0049]).

According to paragraph [0058] of Yasuhara, if a DVD is inserted into the DVD player, the entertainment system 1 is turned on and the last selected audio source before the entertainment system 1 is turned off is selected as the front audio source. The rear audio source is the DVD. That is, the entertainment system is controlled to operate in “the second mode.” However, Yasuhara fails to disclose to control the front audio (first output unit) to be in a muted state. Accordingly, Applicants submit that Yasuhara fails to teach or suggest the above-described feature.

Therefore, Applicants submit that there are elements of the claimed invention that are not taught or suggest by Yasuhara. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

B. Applicants Admitted Prior Art Reference

The Examiner alleges that one of ordinary skill in the art would have combined the Alleged Applicant Admitted Prior Art would have been combined with Yasuhara to teach the claimed invention of claims 2, 4, and 6. Applicants submit, however, that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

First, Applicants submit that Applicants have not admitted that the features recited in dependent claims 2, 4, and 6 are prior art.

The Examiner bases this allegation on Applicants’ alleged failure to rebut the Examiner’s taking of Official Notice with respect to the features recited in exemplary dependent claims 2, 4, and 6.

That is, in responding to the Examiner's rejection, it was not necessary for Applicants to address the specific features recited in dependent claims 2, 4, and 6, as Applicants rebutted the Examiner's rejection of the independent claims. Indeed, since the Examiner failed to establish a *prima facie* case of anticipation or obviousness of the independent claims, it was not necessary to address the limitations recited in the dependent claims to rebut the Examiner's rejections.

Accordingly, Applicants submit that Applicants have not admitted that the features recited in exemplary dependent claims 2, 4, and 6 are prior art.

Second, Applicants maintain that claims 2, 4, and 6 are allowable at least based on similar reasons to those set forth above, in section A, with respect to claims 1, 3, 5, 7, and 10-20.

Therefore, Applicants submit that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention. Therefore, Applicants request the Examiner to withdraw this rejection.

V. FORMAL MATTERS AND CONCLUSION

Applicants respectfully submit that deletion of the phrases "first switch" and "second switch" from the claims renders the Examiner's objections moot.

In view of the foregoing, Applicants submit that claims 1-7 and 10-20, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. Applicants respectfully request the Examiner to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance,

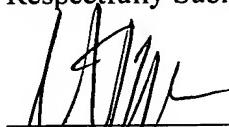
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Applicants requests the Examiner to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The undersigned authorizes the Commissioner to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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